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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,958

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Izydor Gryko

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EXAMINER

DAO, THUY CHAN

ART UNIT

PAPER NUMBER

2192

MAIL DATE

DELIVERY MODE

06/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/626,958

Applicant(s)

GRYKO ET AL.

Examiner

Thuy Dao

Art Unit

2192

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). **response**
7. ☒ For purposes of appeal, the ~~proposed amendment(s)~~ a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-5, 7-18, 20-26 and 28-38.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 7. NOTE:

1) Claim Rejections as being anticipated by Series 60-C++:

a) The limitations "creating a hosting process not based on said application" (Remarks, page 10):

As set forth in the previous Office action mailed March 30, 2007, page 5, Series 60-C++ discloses a hosting process Symbian OS 6.1 is created not based on "Hello World" applications:

page 6, section 3: Symbian OS 6.1 is an operating system, which is operating in a device, such as a smartphone, whether or not "Hello World" applications are running;

page 7: lines 16 and 28-32: helloworld.exe runs within Symbian OS 6.1

b) The limitations "starting said runtime environment in the hosting process" (Remarks, pp. 10-11):

As set forth in the previous Office action, Series 60-C++ discloses:

page 6, section 2: Series 60 Platform includes a host of wireless applications and builds on the Symbian operating system;

page 7, lines 16 and 30: Series60 is embedded within Symbian OS 6.1 and is started in said Symbian OS 6.1

c) The limitations "attaching a debugger to said hosting process" (Remarks, page 11):

As set forth in the previous Office action, Series 60-C++ discloses:

page 6, section 4, Series 60 C++ SDK provides tool to assist developers for developing, testing, and debugging C++ applications, wherein Series 60 C++ SDK is shipped with Series 60 Platform;

page 11: 6-11: pressing F5 to run Hello World applicaion through the debugger (i.e., said degugger must be attached an operating system);

page 7: 13-16: Series 60 SDK, including debugger tool, attached to Symbian OS 6.1, navigates to folder containing HelloWorld, and builds/runs/debugs said application.

d) The limitations "subsequent to said acts of creating, starting, and attaching, receiving a request to debug the application" (Remarks, pp. 11-12):

As set forth in the previous Office action, Series 60-C++ discloses:

page 11: 6-11: pressing F5 to debug HelloWorld;

and as in c) above, Series 60 C++ SDK, including debugger tool, navigates to folder containing HelloWorld, and builds/runs/debugs said application.

e) The limitations "in response to receiving said request, loading the application into the hosting process" (Remarks, pp. 12-15):

As set forth in the previous Office action, Series 60-C++ discloses:

pp. 10-11: section 5.2.2, building/running/debugging HelloWorld and loading it into workspace, which runs on top of an operating system;

page 11, Figure 3, loading successfully "Hello World" application;

page 7, lines 16 and 28-32, loading HelloWorld at a command prompt.

2) Claim Rejections as being anticipated by Bogle:

a) "Bogle et al. neither discloses nor suggests performing specific functions related to debugging in advance of invoking the debugger" (Remarks, page 15, second paragraph):

The examiner respectfully disagrees.


As set forth in the previous Office action, page 10, Figure 5, block 550 clearly indicates "Perform Debugging Operations", which leads to Figure 7, block 720 "Start Target Script Runtime Under Debug Control", and block 755 "Continue Debugging/YES" would return to block 728, which is after block 720.

b) The limitations "creating a hosting process not based on said application" (Remarks, page 15, third paragraph):

As set forth in the previous Office action, page 4, paragraph b and page 10, Bogle discloses creating a hosting process not based on said application, e.g., FIG. 4, col.10: 23-38,

"FIG. 4 illustrates an example of an active debugging environment 400 in block diagram form based on the standard object interface example 200 of FIG. 2. In the active debugging environment 400 example, the first host process 220 contains the application 421 that is the debugging target although any application in one of the host processes 220, 230, or 250 can be the debugging target if desired. For example, the host process 250 might include an Internet web page application on an Internet server 202, and the host process 220 might include an Internet browser application under development on an end user's local machine 201. The Internet browser application under development would be the debugging target so that the application developer can watch what is happening as the browser interacts with the remote web page and exercises various features and controls of the web page", emphasis added.

3) Accordingly, Applicants' arguments are not persuasive. The exanier respectfully maintatins grounds of rejection over claims 1-5, 7-18, 20-26, and 28-38.


TUAN DAM
SUPERVISORY PATENT EXAMINER